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COMMISSIONER

February 14, 2001

To All Massachusetts Codeholders:

RE: Distribution of Exchange Codes on the Priority List in the 781 Area Code

## I. INTRODUCTION

On February 1, 2001, NeuStar, Inc., the North American Numbering Plan Administration ("NANPA") held an industry conference call to establish a process for the assignment of exchange codes (NXXs) from the four new overlay area codes to be implemented as of April 2, 2001, and to discuss the distribution of the remaining NXXs in the 781 and 978 area codes. During this conference call, the industry participants reached consensus that the Massachusetts Department of Telecommunications and Energy ("Department") should approve the release of NXXs from the 781 priority list as soon as possible or before March 1, 2001.<sup>(1)</sup> The request was made pursuant to the authority granted to the Department by the Federal Communications Commission ("FCC") to direct the NANPA to assign NXX codes to a carrier outside the rationing process. See In re Massachusetts Department of Telecommunications and Energy's Petition for Waiver of section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781 and 978 Area Code, CC Docket No. 96-98, Released September 15, 1999 ("Massachusetts Order").

## II. STANDARD OF REVIEW

In the Massachusetts Order, the FCC granted the Department the authority "to hear and address claims of carriers claiming that they do not, or in the near future will not, have any line numbers remaining in their NXX codes, and will be unable to serve customers if they cannot obtain an NXX code, or that they are using or will have to use extraordinary and unreasonable costly measures to provide service." Id. at ¶ 38. The FCC explained that this authority is meant "to ensure that carriers in dire need of numbering resources can

obtain the numbering resources necessary to continue to provide service to their prospective customers, if the rationing plan will not ensure that the carrier will have adequate and timely access to numbering resources." Upon a determination by the Department that such relief is necessary, the Department may direct the NANPA to assign codes to a carrier outside the rationing plan currently in place in an area code. Id. To make its determination, the Department may request "whatever information [it] deems necessary to evaluate a carrier's request . . ." including business plans, information on new service requests that the carrier could not accommodate because of its lack of numbering resources, historical growth rates, and extraordinary measures the carrier has taken to obtain numbering resources. Id.

### III. DISCUSSION

- 781

NXXs in the 781 area code are currently distributed according to a rationing plan. NXXs are assigned at a rate of eight NXXs per month, with requests in excess of the eight NXX per month limit being assigned priority numbers for NXX assignments in a future month.

According to NANPA, there are currently 87 NXXs remaining in the 781 area code, of which 61 are on the priority list (i.e. reserved for carriers with priority numbers), leaving 26 NXXs available for assignment. The priority list in the 781 area code is out to August 2001, meaning that some carriers with priority numbers will not receive their NXXs until this summer.

On April 25, 2000, the Department ordered the creation of four new overlay area codes to alleviate the numbering crisis in Eastern Massachusetts. The mandatory dialing date is April 2, 2001, with the first NXXs assigned from the new area codes having an effective date of May 2, 2001. NANPA has already begun collecting requests for NXXs from the new overlay area codes, and there is healthy, but not alarming, demand: carriers have requested 89 NXXs in the 774 area code, which overlays 508; 49 NXXs in the 857 area code, which overlays 617; 67 NXXs in the 339 area code, which overlays 781; and 34 NXXs in the 351 area code, which overlays 978. Once the new overlay area codes are implemented, technical considerations limit the speed with which new codes can be made effective; only 35 NXXs can be turned up in Eastern Massachusetts in any given week. With 239 requests pending for NXXs in the new overlay area codes, and 61 codes pending on the 781 priority list, there is the potential for a bottleneck, with the demand for numbering resources outstripping the technical ability to turn up the numbering resources in a timely fashion.

The most prudent means of alleviating this bottleneck is for the Department to approve the immediate release of all NXXs pending on the 781 priority list. With the imminent implementation of an overlay code over the 781 area code, it makes little sense to require carriers to wait longer for numbering resources in an original area code than for numbering resources in a new overlay area code.

Therefore, the Department finds that it is prudent to release the priority list codes in the 781 area code without further delay. However, the Department is aware that some carriers may have attempted to "hedge their bets" by requesting codes in both the 781 area code and the new 339 overlay area code to serve the same customer demand. In order to prevent the assignment of more NXXs than are necessary to meet customer demand, the Department directs NANPA to provide the Department with copies of the applications for all requests pending on the 781 priority list and all requests for NXXs in the 339 area code. Carriers which are determined to have submitted requests in both the 781 and 339 area codes for resources in the same rate center will receive their priority list codes immediately, but will be required to justify the need for additional resources in the 339 overlay area code before NANPA will be permitted to release those NXXs.

b. 978

NXXs from the 978 area code are also distributed according to a rationing plan, at the rate of ten NXXs per month, with requests in excess of the ten NXX per month limit being assigned priority numbers for NXX assignments in a future month. According to NANPA, there are 126 NXXs remaining in the 978 area code. Unlike the 781 area code, however, there is no priority list in the 978 area code, so none of the 126 NXXs are reserved for carriers with priority numbers, and all of the remaining NXXs are available for assignment to carriers.

As noted above, NANPA has received 34 requests for NXXs in the 351 code, which will overlay the existing 978 area code. With so many codes remaining available for assignment in the 978 area code, the Department finds that the 978 area code should be exhausted before NANPA begins assigning NXXs from the 351 overlay area code. NANPA will continue to distribute NXXs from the 978 area code according to the rationing plan currently in place, 10 NXXs per month, with requests in excess of 10 NXXs per month being given priority numbers for NXX assignments in a future month.

The Department is aware that this action may, given the level of demand for NXXs in 351, result in the creation of a priority list in the 978 area code. The Department nevertheless feels this action is necessary, both in order to distribute the large number of NXXs remaining in the 978 area code and to preserve the Department's option to continue rationing in the 978 area code after the relief date. The Department will closely monitor the level of demand for codes in the 978 area code, and will make a final decision whether to continue rationing on or before April 2, 2001. In the event that the Department does not opt to continue rationing in the 978 area code, all NXXs on the priority list will immediately be released, and the remaining NXXs in the 978 area code will be assigned pursuant to the system in place for the new overlay codes.

#### IV. ORDER

After due consideration, it is

ORDERED: Neustar is directed to immediately release any codes which are currently on the priority list in the 781 area code; and it is

FURTHER ORDERED: That NANPA shall provide the Department, within ten days of the date of this Order, copies of all applications for requests pending on the 781 priority list, as well as copies of all applications for NXXs in the 339 area code; and it is

FURTHER ORDERED: That codeholders with NXX requests pending in the 351 overlay area code shall convert those requests to requests for codes in the existing 978 area code;

FURTHER ORDERED: That codeholders and NANPA shall comply with all the directives herein.

By the Commission,

\_\_\_\_\_/s/\_\_\_\_\_

James Connelly, Chairman

\_\_\_\_\_/s/\_\_\_\_\_

W. Robert Keating, Commissioner

\_\_\_\_\_/s/\_\_\_\_\_

Paul B. Vasington, Commissioner

\_\_\_\_\_/s/\_\_\_\_\_

Eugene J. Sullivan, Jr., Commissioner

\_\_\_\_\_/s/\_\_\_\_\_

Deirdre K. Manning, Commissioner

1. The industry did not make any proposals concerning the distribution of the remaining NXXs in the 978 area code.

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